



## **Policy: Trinity College Pathways School Transfer Provider Policy and Procedure**

Policy Type:	Divisional
Policy Number:	<a href="#">TCDP12</a>
Date Approved:	19 February 2024
Previous Policy:	TCPS Transfer Policy
Review Date:	28 July 2027

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### **1 OBJECTIVES**

- 1.1 The purpose of this policy and procedure is to ensure that Trinity College students who request to transfer education provider are managed in a transparent and consistent manner in accordance with the requirements of Standard 7 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code)

### **2 SCOPE**

- 2.1 This policy applies to Trinity College Pathways School (TCPS) students who are studying in Australia on a student visa.
- 2.2 Trinity College does not actively recruit students who require release from their education provider. However, where a student who has not completed 6 months of their principal program applies to Trinity College, they must be released by that provider before they can be formally accepted by Trinity College. Please refer to the TCPS Admissions Policy for more information.

### 3 POLICY

- 3.1 In accordance with the National Code 2018, Trinity College requires all Pathways School students who wish to transfer to another Australian education provider, prior to the completion of 6 months of their principal course of study, to apply for release.
- 3.2 Students do not require a release in the following circumstances:
- a) They have completed more than 6 months of the principal course
  - b) The course for which they have a Confirmation of Enrolment (COE) will no longer be offered by Trinity College and ceases to be registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)
  - c) They are transferring to another course within Trinity College
  - d) They are transferring to an overseas provider.
- 3.3 Students who do not hold a packaged visa (ie, only have a visa for their Trinity College studies) may apply for a release by completing the following process:
- a) Complete the TCFS Student Release request form found on the Learning Management System (LMS).
  - b) Attach a valid Letter of Offer for the new course/s.
  - c) Attach supporting documentation to support the reason for wishing to change provider.
  - d) If under 18 submit a letter of consent from a parent or legal guardian
- 3.4 Students who hold a packaged visa, for example a Foundation Studies + bachelor's degree, must complete the procedure outlined in 3.3 and complete the University of Melbourne Application for release. Trinity College does not assess applications for release from the University of Melbourne. Please refer to University of Melbourne website: [International student transfer policy \(unimelb.edu.au\)](https://www.unimelb.edu.au/international-student-transfer-policy)

## 4 ASSESSMENT OF RELEASE APPLICATIONS

- 4.1 An application for release will not be approved unless a valid letter of offer from a CRICOS registered education provider is submitted with the application.
- 4.2 Trinity College will assess Trinity College will assess and provide an outcome to the applicant and approve the release in PRISMS within 10 business days of the submission of a complete application.
- 4.3 Where an application for release is approved, the decision notice must direct the student to contact the Department of Home Affairs (HA) to clarify whether a new visa is required.
- 4.4 Students will not be charged a fee for approval of release from their studies at Trinity College.
- 4.5 Where Trinity intends to deny the application for release, the student must be given written notice of:
- The reasons for the refusal and
  - Their rights to access the complaints and appeals process within 20 working days from the notice of intention to refuse the application.
- 4.6 Trinity College will not finalise the student's refusal status in PRISMS until one of the following occurs;
- any lodged appeal finds in favour of the registered provider,
  - the overseas student has chosen not to access the complaints and appeals processes within the 20- working day period, or
  - the student withdraws from the process.
- 4.7 If the student successfully appeals a release refusal, Trinity College will notify HA by granting the release and transfer in PRISMS.
- 4.8 If a student's application (and appeal if applicable) is unsuccessful and they proceed to withdraw from their studies at Trinity College, Trinity College will notify HA of the withdrawal and a non-release and will advise the student to contact HA for advice regarding their student visa.

### Reasons for Approving a Release Application

- 4.9 Trinity College will approve a request for release where it is in the best interest of the student including the following circumstances:
- The transfer will not be to the detriment of the student or their future studies
  - The student has not met the entry requirements for the Foundation Studies Program
  - The student will be reported because they are unable to achieve satisfactory academic progress, even after engaging with Trinity's intervention strategy
  - Trinity determines that there are compassionate and compelling circumstances (Definition below – section 8)
  - Trinity does not deliver the course as outlined in the written agreement

- There is evidence that the student’s reasonable expectations about the course are not being met
- The student was misled by Trinity College, or an education or migration agent regarding Trinity College or its programs and the program is therefore unsuitable for the student’s needs and/or study goals
- An appeal (internal or external) on another matter has resulted in a recommendation to release the student
- The student is financially sponsored by their government and the sponsor considers the change to be in their interest and has provided written support of the change.

Reasons for Rejecting a Release Letter Application

4.10 Trinity College may reject an application to transfer provider and not grant release in the following circumstances:

- The transfer is deemed to be detrimental to the student
- The student has not made a reasonable attempt to engage in the academic/social aspects of the Trinity College program
- The student intends to study at a lower Australian Qualification Framework (AQF) level,
- The student cannot demonstrate that support services failed and / or that these support services were not made available
- The student cannot demonstrate that the intended course better meets their academic study capabilities
- The student’s enrolment has been terminated for breaches of Trinity College Pathways School Student Code of Conduct or for breaches of the conditions of their Student Visa as set out by Home Affairs.
- The student is under 18 years of age and their parent/legal guardian has not consented to the change
- The student is under 18 years of age and has a Confirmation of Appropriate Accommodation and Welfare (CAAW) from Trinity College and the intending provider has not confirmed that it will take responsibility for issuing a CAAW for the student within an agreed-upon timeframe.

## 5 RECORD KEEPING

5.1 Trinity College will maintain a record of all release applications, their assessment and decision relating to release for a period of two years after the student ceases to be enrolled in Trinity College. and terms of payment are set out in the agreement.

## 6 ROLES AND RESPONSIBILITIES

Role / Decision / Action	Responsibility	Conditions and limitations
Publish information regarding the transfer provider/release application process	Administration and Compliance Manager	.
Apply for Release in order to transfer provider- including all relevant supporting documents.	Students,	

Role / Decision / Action	Responsibility	Conditions and limitations
Ensure application is complete prior to processing (includes consent from parents for U18 students and a valid Letter of Offer from a CRICOS registered Education Provider)	Registrations Coordinator	
Assess Application for release and notify of approval or intention to refuse including information regarding the appeals process. If approved a direction to contact Home Affairs regarding the impact on student visa	Associate Dean (Student Journey) or delegate	
Coordinate Appeals Process and advise Registrations Coordinator when the process is complete	Administration and Compliance Manager	If student wishes to appeal decision
Process releases in PRISMS	Regional Manager	
Maintain records of appeals on the student file	Administration and Compliance Manager (or delegate)	

## 7 DEFINITIONS

**Compassionate and compelling circumstances:** generally, beyond the student's control, may include loss or bereavement (such as death of a close family member) or family relationship breakdown; hardship/trauma (such as being the victim of crime, the sudden loss of income, severe disruption to domestic arrangements, the involvement of close family and friends in dangerous political or social unrest or natural disaster) or health issues.

**HA** – Department of Home Affairs, a Federal Government Department, responsible for immigration and border-related functions, multicultural affairs, federal law enforcement, and emergency management.

**Principal Course of Study** - The principal course of study refers to the main course of study to be undertaken by an overseas student where a student visa has been issued for multiple courses of study. The principal course of study would normally be the final course of study where the overseas student arrives in Australia with a student visa that covers multiple courses.

## 8 RELATED DOCUMENTS

- Education Services for Overseas Students Act 2000 (ESOS Act)
- National Code of Practice for Providers of Education and Training to Overseas Students (the National Code 2018)
- Criminal Code Act 1995 (Cth)
- Crimes Act 1958 (Vic)
- TCPS Student Complaint Policy
- TCPS Student Code of Conduct
- TCPS Admissions Policy

## 9 POLICY OWNER

The Associate Dean (Student Journey) is responsible for the development, compliance monitoring and review of this Policy and any associated procedures and guidelines.

## 10 REVIEW

This Policy is to be reviewed by 28 July 2027

## 11 VERSION HISTORY

Version	Approved By	Approval Date	Effective Date	Sections Modified
TCDP12	TCPS Executive Committee	July 2019	July 2019	
TCDP12	TCPS Extended Executive Committee	February 2024	19 February 2024	Re-written to fit new template